

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DERIAN DEL CARMEN,

Defendant.

**Affirmation in Support of
Application for Order of
Continuance**

24 Mag. 2629

State of New York)
County of New York : ss.:
Southern District of New York)

Justin Horton, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated July 18, 2024, with violations of 21 U.S.C. § 841 and 18 U.S.C. §§ 924(c) and 2. The defendant was arrested on July 17, 2024, and was presented in this District before Magistrate Judge Robert W. Lehrburger on July 18, 2024, at which proceeding the defendant was represented by Hannah Eaves, Esq., and ordered detained on consent without prejudice.


3. At the presentment on July 18, 2024, the defendant waived a preliminary hearing. *See* Dkt. 3; *see also* Fed. R. Crim. Pro. 5.1(a)(1). Under the Speedy Trial Act, the Government has until August 16, 2024, to file an indictment or information. *See* 18 U.S.C. § 3161(b).

5. Defense counsel and I have had discussions regarding a possible disposition of this case. The parties plan to continue our discussions, but do not anticipate a resolution before August 16, 2024.

6. Therefore, the Government requests a 30-day continuance until September 15, 2024, to continue the foregoing discussions toward resolving this matter. On August 9, 2024, I personally corresponded with defense counsel, who stated that the defendant consents to an extension of the Speedy Trial Act deadline to September 15, 2024, and has specifically consented to this request.

7. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
August 9, 2024


Justin Horton
Assistant United States Attorney
212-637-2276